## To Patrons Who wish to Use Exxon Valdez Oil Spill Records at the Alaska State Archives

(August 15, 2013)



Exxon Valdez oil is transferred to Exxon San Francisco. U.S. Coast Guard, 17th District, Photograph Collection. ASL-PCA-313

Welcome. Before you delve into Alaska State Archives Exxon Valdez collections, here are a few things to consider:

#### What Exxon Valdez records does the Alaska State Archives have?

The Alaska State Archives is the official depository for permanent records and files created by the agencies of Alaska's Governments (District, 1884-1912; Territory 1912-1959 and State 1959-*present*). Our collections include <u>only</u> government records. We have two kinds of *Exxon Valdez* records, both of which may support your research:

- Record Group 91, Department of Law Civil Division, series 708 Exxon Valdez Oil Spill Litigation Records, 1969-1993.
- 2. Records produced by State agencies that relate to the Exxon Valdez spill, but which are nonlitigatory in nature.

Inclusive lists of both of these types are listed at the end of this document. Alaska State Archives' Exxon Valdez holdings consist of most media types including paper text, audio-visual, photographic, cartographic and electronic materials. If you want to review file unit information for any of these series please contact us; <a href="http://archives.alaska.gov/">http://archives.alaska.gov/</a>, (907) 465-2270.

#### Reference Access:

The Alaska State Archives is open to the public for research 10:00 am through 4:15 pm, Monday through Friday, except for State and Federal Holidays. We welcome patrons via email, telephone, fax, mail and in person. Appoints aren't required, but when working with a collection as large as the Exxon Valdez records, we suggest you contact us by email or phone first to discuss your research and the specifics of what you are looking for.



RG348 SR612 AS17957 Slide #0224. Workers clean other side of Quayle Beach on Smith Island. August 1989.

#### Series 708:

The Alaska Department of Law created Exxon Valdez Oil Spill Litigation records during nearly five year of court proceedings that resulted from the spill. Records represent the Department of Law Environmental Section's management of the State's interests during the litigation process. Most were generated during discovery by the State's contract discovery attorney firm, Preston, Thorgrimson, Shidler, Gates & Ellis.

Discovery is a litigation phase in which both parties to a case identify all germane records and other evidence in their possession. Parties then exchange inventories of all evidence and review portions of opponent evidence that each party believes is significant to it. Although series 708 records' primary function was to document the discovery process, contents also involve a wide variety of issues and activities relating to spill response and remediation.

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#### Non-litigation Records:

All Alaska State Government Agencies were affected in some way by the oil spill and subsequent court cases. Several State agencies were deeply involved in the response and created numerous subject and project files, which later came into State Archives' custody. The four most important agencies involved in spill response were the Office of the Governor and the Departments of Environmental Conservation, Fish & Game, and Natural Resources. A few Executive and Legislative Branch commissions were created to review aspects of the spill. Records these organizations created are also available.

#### Access Restrictions; judicial and statutory:

In all cases relating to confidential records, the Alaska State Archives recognizes and follows State Law and court mandates. Portions of our holdings currently are closed to public access.

The litigation process necessarily requires occasional secrecy and in series 708 there are three primary types of litigatory restrictions:

- > Attorney-client privilege
- > Attorney work product
- > Judicial protective order

In most, but not all cases, restricted items were segregated to sealed envelopes and you will be able to review all but these envelopes. In some cases however, a subseries is restricted in its entirety, either because restricted items were not segregated, or because all contents are restricted.

The Alaska Department of Law is responsible for this area of government. Therefore in all cases relating to litigation records (such as series 708), we refer patrons to the Department of Law first, prior to access, and follow procedure the Department of Law prescribes.

Most non litigatory series don't include privileged or judicially protected records but there occasionally are restrictions based on State or Federal statute, and issues of personal or proprietary privacy. Most Alaska State Archives executive branch records relating to Exxon Valdez are open for research. Materials marked confidential, however will not be available to your review. You will also be asked to sign a Researcher Agreement (see sample below) promising not to reveal sensitive personal information.



RG348 SR612 AS17958 Slide #1063 Governor Steve Cowper and ADEC Commissioner Dennis Kelso tour spill impacted beaches prior to the one-year anniversary of the Exxon Valdez oil spill.

#### Other Exxon Valdez Litigation Records:

The Department of Law generated about 6,000 cubic foot boxes of *Exxon Valdez* litigation records. During the State Archives Exxon Valdez Litigation Records Project (October 2011-September 2013), project staff evaluated about 3,500 boxes located in Juneau. Project staff selected 918 boxes of permanent records, and those became series 708A through 708V.

Project staff also determined that about 2,500 boxes of records don't merit permanent archival retention. Primarily this material consists of multiple copies of discovery exchanges. In the case of defendant discovery, most of these records are proprietary business records over which the Alaska State Archives has no authority to provide public access. As of this writing (August 2013), these records await final disposal authority.

#### Other Available Exxon Valdez Records:

You're welcome to use Exxon Valdez Oil Spill Trustee Council records at the State Archives. However, the Exxon Valdez Oil Spill Trustee Council's own records are located at the Alaska Resources Library and Information Services (ARLIS) in Anchorage. The Trustee Council's records are a rich research resource. We suggest contacting Carrie Holba, ARLIS's Exxon Valdez Librarian, for assistance. http://www.arlis.org/tag/exxon-valdez/.

For Exxon's part of the story, contact the *ExxonMobil Historical Collection Archivist* at the Dolph Briscoe Center for American History, University of Texas at Austin, (512) 495-4532. http://www.cah.utexas.edu/about/staff\_directory.php

Exxon Catalog: <a href="http://www.lib.utexas.edu/taro/utcah/00352/cah-00352.html">http://www.lib.utexas.edu/taro/utcah/00352/cah-00352.html</a> <a href="http://www.cah.utexas.edu/services/reference.php#form">http://www.cah.utexas.edu/services/reference.php#form</a>

Please see the list of other resources elsewhere in this webpage <insert link to "Links & Other Resources">.

#### Natural Resource Damage Records (NRDA):

Most Exxon Valdez Oil Spill NRDA studies are available in libraries at various locations throughout the world. You can search them by title on WorldCat <a href="http://www.worldcat.org">http://www.worldcat.org</a>. The Alaska State Library Historical Collections has an inclusive set on microfiche, (907) 465-2925.

http://library.alaska.gov/hist/hist.html.

We hope this information is helpful to you and we're looking forward to your visit.

Sincerely,

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http://archives.alaska.gov/valdezProject.html



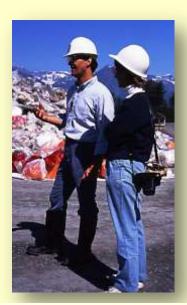
RG348 SR612 AS17958 Slide #2013. Aerial of City of Valdez in winter. November 1989.

Alaska State Archives Exxon Valdez Related Series & Sub Series Holdings Record Group 91, Department of Law Civil Division, series 708 Exxon Valdez Oil Spill Litigation Records, 1969-1993 includes subseries:

- 708A Deposition Corrections
- 708B Discovery Attorney administrative file
- 708C DEC Response Center Documents: Public Information Officer
- 708D Deposition Exhibits: Photocopy
- 708E Deposition Exhibits: Photocopy Protective Order Documents
- 708F Deposition Transcripts
- 708G Chronological Set of Newspaper Articles
- 708H State Production at Deposition
- 708I Original Agency Documents: Copies; Inventoried Not Produced
- 708J Original Agency Documents: Some Original ACE
- 708K Private Plaintiff Production Documents
- 708L Pleading Binders
- 708M State Production Documents Copies of Unique Items
- 708N State Production Microfilm copy
- 7080 Discovery Team documentation file
- 708P Other Transcripts: Chenega Bay, Glacier Bay and NTSB
- 708Q Field Notes Library
- 708R Valdez Joint Communication Center marine communications
- 7085 State Production Original ACE Numbers
- 708T State Production Microfilm, Original ACE Stickers (Paper)
- 708U Third-Party Production Documents
- 708V Exxon Oil Spill Project Maps

(There are no subseries 708W, 708X or 708Y.)

708Z Records Lacking Permanent Value Production Microfilm, Original ACE Stickers



RG348 SR612 AS17959 Slide #0981 Dennis Kelso, Commissioner of the Alaska Department of Environmental Conservation, talks with a member of the Oil Spill Task Force during tour of facility. Dayville Incineration Site, Valdez.

1. *MINISIS*, the State Archives electronic catalog, lists 20 other items produced by State agencies; nonlitigatory series, subseries and files, as follows:

#### Series #

- 369 Commissioner of Labor Program administration, special projects files
- 478 House Special Committee on the Exxon Valdez Claims Settlement, 1991-1992
- 488 Senate Special Committee on Exxon Valdez Oil Spill Claims Settlement, 1991-1992
- 537 Commissioner of Fish and Game subject files Exxon Valdez Oil Spill documents, 1987-1991
- 553 Division of Habitat and Restoration subject files Boxes AS 21353-AS 21335
- 562 Commissioner of Environmental Conservation subject files, AS 17128-AS 17138, 1989-1990
- 562 "National Governors Association -- mostly Exxon Valdez" AS 22802, 1993
- 611 Office of Management and Budget subject files
- 612 Governor's Press Secretary Exxon Valdez Oil Spill slides and videotapes
- Division of Habitat & Restoration subject files Exxon Valdez oil spill files
- 660 Governor's Special Project files Exxon Valdez Files of Mike Nizich, March-May 1989
- 1290 Division of Habitat and Restoration Exxon Valdez oil spill restoration project files, 1994-1998
- 1291 Division of Habitat and Restoration Exxon Valdez Oil Spill Trustee Council (EVOSTC) Minutes
- 1313 Governor's Washington D.C. Field Office project files; Box AS 8686, 1989-1992
- 1336 Commissioner of Commerce, Community and Economic Development Exxon Valdez, 1989-1990
- 1433 Division of Spill Prevention and Response (SPAR) Industry contingent plans (IPP), 1974-1986
- 1433 Division of Spill Prevention and Response (SPAR) Exxon Valdez oil spill shoreline assessment survey data and clean-up history, 1989-1993
- 1520 Citizens Oversight Council on Oil and Other Hazardous Substances; The Wreck of the Exxon Valdez, 1989-1991
- 1729 Exxon Valdez Oil Spill Commission records, 1989-1990 (investigative commission appointed by Governor Cowper)
- 1800 Commissioner of Environmental Conservation Public Information file, 1989-2006

#### Researcher Agreement

DEPARTMENT OF EDUCATION& EARLY DEVELOPMENT

DIVISION OF LIBRARIES, ARCHIVES & MUSEUMS
ALASKA STATE ARCHIVES
http://archives.state.ak.lls/
Dean Dawson, State Archivis

Sean Parnell, GOVERNOR

POB 110525 141 Willoughby Avenue Juneau, AK 99811-1720 Phone: 465-2276 Fax: 465-2465

November 4, 2011

### RESEARCHER AGREEMENT

[To be signed by researchers as a condition of access to archival materials preserved by the Alaska state Archives in Juneau.]

I certify that I have received a copy of the Research Room Rules and that I will comply with its provisions.

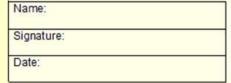
I also certify that the Alaska State Archives Reference Staff has drawn my attention to the fact that many archival records contain personal information about individuals or data that facilitates linking identity of persons to details of their private life.

Such data may be protected by the Alaska Constitution, Article One, Section 22 or State/federal law, and require special care and consideration. Such data might include for example, under certain circumstances: their name, residence address, telephone numbers, political affiliation/opinions, and religious or other beliefs. Protected Personally Identifiable Information (PII) under Alaska Statute 45.48 contains a State of Alaska resident's name (i.e., last name and first name or initial) plus one or more of the following:

- Account, credit card, or debit card number
- II Driver's license number or State identification number
- II Personal codes/passwords required to access financial accounts
- Social Security Number (SSN)

I acknowledge Individual and personal responsibility for respecting State and federal privacy laws and regulations. I will not use any privacy protected information contained in records in a manner that would tie the information to a specific individual. I will treat any confidential information I encounter with strict confidence and will take reasonable precautions to prevent disclosure, directly or indirectly, to any other party, unless I have received written permission to disclose from the State Archivist and/or other parties involved.

I am aware that the Alaska State Archives cannot be held responsible for the use of its archival collections granted to me according to its policies and procedures.





Alaska State Archives patron Basil Williams reviews Exxon Valdez Litigation files, August 21, 2013. photo Chris Hieb